

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ALABAMA
SOUTHERN DIVISION

DARLENE JOHNSON,)
)
Plaintiff,)
)
v.) Case No.: 2:10-cv-02889-TMP
)
THE CITY OF LEEDS, ALABAMA,)
et al.,)
)
Defendants.)

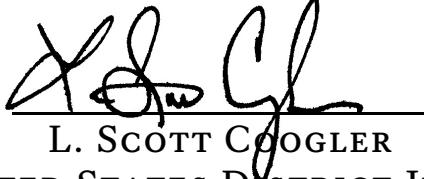
MEMORANDUM OPINION

On July 27, 2011, the magistrate judge filed his report and recommendation, recommending that defendant's motion to dismiss, construed as a motion for summary judgment, be granted in part and denied in part. The magistrate judge recommended the dismissal of Counts I, III, IV, and V of the complaint, as well as the substantive due process claim in Count II and the wantonness claim in Count VI. He further recommended that all fictitious defendants be dismissed. The magistrate judge further recommended that the defendant's motion be denied with respect to plaintiff's procedural due process claim and negligence claim. Finally, he recommended that all fictitious defendants be dismissed. Although the report and recommendation explained to the parties their right to object to the recommendations, no party has filed an objection.

Having now carefully reviewed and considered the report and recommendation, absent any objections to it, the court finds that the report is due to be and hereby is ADOPTED and the recommendation is ACCEPTED. Accordingly, by separate order, the court will grant in part and

deny in part the motion for summary judgment filed by the defendant City of Leeds, and will dismiss with prejudice Counts I, III, IV, and V, as well as the substantive due process claim in Count II and the wantonness claim in Count VI. The court will also dismiss all fictitious defendants.

Done this 31st day of October 2011.


L. SCOTT COOGLER
UNITED STATES DISTRICT JUDGE
167458